

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FIRST ACT INC.

Plaintiff

v.

KIDZ TOYZ, INC. and
CHRISTMAS TREE SHOPS, INC.

Defendants

2003 DEC 12 P 3:16

U.S. DISTRICT COURT
DISTRICT OF MASS.

Civil Action No. _____

03-12507-EFH

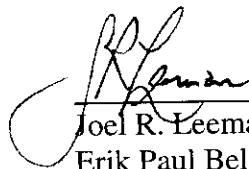
FIRST ACT'S MOTION FOR PRELIMINARY INJUNCTION

Plaintiff, First Act Inc., moves for a preliminary injunction against Kidz Toyz, Inc. and Christmas Tree Shops, Inc. to prohibit them from further infringing First Act's trade dress and engaging in unfair competition in relation to First Act's Junior Quartet product, a musical instrument play set. In support of its motion, First Act relies on a memorandum of law and the declarations of Mark S. Izen and Jay Macken, attached as exhibits A and B thereto.

A proposed Order of this Court is attached herewith as Exhibit 1.

FIRST ACT INC.

By its attorneys,



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Dated: December 12, 2003

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